

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, March 8, 2016  
7:00 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 7:03 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Rabbi Bentzion Singer gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

**5. PRESENTATIONS**

None.

**6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Barbara Cole, resident, thanked Commissioner Dodd for his service to the Town.

Alfred "Buz" Oldaker, resident, thanked Town Staff for their work and encouraged all present to exercise their right to vote in the upcoming election.

Jerry Sehl, resident, announced that the Kiwanis Club hopes to expand the upcoming Arts and Crafts Show. On April 2, the Kiwanis Club will sponsor an event dedicated to feeding the poor at several locations throughout Broward County.

Erik Schot, resident, stated that the public restroom project on El Mar Drive would reduce the market value of nearby properties and contribute to crime. He did not feel the location

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would be convenient for beachgoers. Mr. Schot concluded that current traffic in the Town is not sufficient to encourage the construction of a parking garage.

Yann Brandt, resident, thanked Town Staff for their work on the neighborhood street resurfacing project and emphasized the importance of this plan.

Bill Vitollo, resident, reported that several street signs are missing in the Terra Mar neighborhood.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. BSO February 2016 Report (Captain Fred Wood)**

Commissioner Dodd congratulated the Broward Sheriff's Office (BSO) on its use of license plate reader (LPR) cameras, noting that four criminals were apprehended in the month of February alone.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

### **b. AMR February 2016 Report (Chief Brooke Liddle)**

Commissioner Dodd advised that American Medical Response (AMR) answers 99% of medical calls within the Town within three minutes. He commended AMR Staff on their service to the Town.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

## **8. TOWN MANAGER REPORT**

### **a. Town Manager Report (Connie Hoffmann, Town Manager)**

Town Manager Connie Hoffmann advised that the 2015 financial audit will not be delivered to the Commission in March, as the auditors are awaiting information from the Florida Retirement System which is not expected to be sent until late March or early April. The audit will go before the Audit Committee before it is presented to the new Town Commission, therefore it is important that the Commission quickly appoint the Audit Committee.

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Finance Director Tony Bryan clarified that the delay is caused in part by new accounting requirements. The State has indicated that the audit deadline, among others, may be extended due to these changes. Multi-year extensions may be granted as well.

Town Manager Hoffmann continued that the next Commission meeting will be March 29, 2016. In honor of Commissioner Dodd's last meeting, a reception will be held at 6:30 p.m., immediately prior to that meeting. Town Staff and residents are invited to attend.

The Basin Drive project is nearly complete, with only punch list items remaining. Landscaping in the rights-of-way will be completed by Town Staff.

Town Manager Hoffmann acknowledged former Assistant to the Town Manager Pat Himelberger for the new artistic wrap on the electrical box at North Bougainvillea Drive and Commercial Boulevard, as well as the new buoy kiosk in front of the SunTrust building. Both the Town and the Property Owners' Association will contribute to a Garden Club project that will place orchids in trees on the western section of Commercial Boulevard. A kickoff event is planned for this project.

A new bocce ball court is being constructed at Friedt Park by Municipal Services Staff.

Town Manager Hoffmann introduced Debbie Hime, who will succeed Pat Himelberger as Assistant to the Town Manager.

Commissioner Brown requested that when the new Commission is sworn in, the Town consider changing the starting time for Town meetings. He suggested surveying other nearby municipalities to determine their start times.

Mayor Sasser requested an update on the Sister Cities program. Town Manager Hoffmann reported that there has been no communication from this organization in the past two years.

Mayor Sasser also addressed signage, noting that several signs in the Silver Shores neighborhood are very worn. Municipal Services Director Don Prince replied that the Town has an interlocal agreement with the County, which provides the Town with signs but does not install them. Staff is currently awaiting new signs for various neighborhoods.

## **9. TOWN ATTORNEY REPORT**

Commissioner Brown requested an update on the recent issue involving erroneous absentee ballots. Town Attorney Susan Trevarthen replied that she and Finance Director Bryan have spoken with representatives of the Supervisor of Elections' office, who informed them that there are various procedures for counting ballots. Only votes in the race for a Town Commission seat will be affected by the error, and only votes for the withdrawn candidate will not be counted. Other votes on these same ballots will be

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counted. Recipients of corrected ballots were instructed to vote on and return the second ballots. Approximately 100 individuals have returned the incorrect ballots.

Town Attorney Trevarthen emphasized that the Town does not administer the election. She concluded that the representatives of the Supervisor of Elections' office answered all the questions posed by the Town.

#### **10. APPROVAL OF MINUTES**

- a. February 9, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. February 12, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve both. Motion carried 5-0.**

#### **11. CONSENT AGENDA**

In response to Commissioner Dodd's question, Town Attorney Trevarthen clarified that because more than 100 properties are affected by this project, there is no need for a Commissioner residing on one of the subject streets to recuse himself from voting upon Item 11a. Vice Mayor Vincent noted he also lives on one of the streets to be repaved.

- a. Street Resurfacing Award (Don Prince, Municipal Services Director)**
- b. 2016 Parking Permits for Turtle Monitoring Organizations (Bud Bentley, Assistant Town Manager)**
- c. Rescheduling of the March 22, 2016 Town Commission Meeting to March 29, 2016 (Tedra Smith, Town Clerk)**

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve 11a, b, and c. Motion carried 5-0.**

#### **12. OLD BUSINESS**

- a. Draft Strategic Plan for the Next Five Years (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann noted that she had been asked to develop a draft plan showing the topics and ideas that had support from a variety of participants in the public meetings and survey the Town had conducted on the future of the Town. She grouped items under the following major categories:



- Sustainability and the Environment
- Parking and Transportation
- Preserving the LBTS Way of Life
- Infrastructure Improvements
- Economic Development

Each category includes goals, action items or tasks to achieve these goals, and tentative dates for their implementation. Town Manager Hoffmann recommended scheduling a workshop meeting at which the Commissioners could discuss these items further.

Mayor Sasser recommended that the undergrounding of utilities be removed from the list given the great cost to accomplish this, and noted that neighborhood lighting can be problematic as well as residents have proven unwilling to agree to the access requirements of FP&L. Commissioner Dodd concurred, stating it was not only a matter of cost, but also a lack of space to place the electrical transformer boxes on the ground. He also observed that the Coastal Oceans Task Force has made recommendations, many of which are inexpensive, that could be useful under the Sustainability heading.

Vice Mayor Vincent commented that better lighting in neighborhoods serves as a deterrent to crime. He suggested that if neighborhood lighting is not implemented, the Town could sponsor a program to encourage residents to turn on porch and other outdoor lights to help keep their streets well-lit. Commissioner Brown noted that the proposed strategic initiatives are intended to be implemented over five to seven years, so he didn't feel it was necessary to remove anything.

It was agreed by consensus that undergrounded utilities would be removed from the list. The Commissioners also agreed to discuss scheduling a workshop at a subsequent meeting.

### **13. NEW BUSINESS**

#### **a. Gardens By The Sea Stop Sign Requirements (Vice Mayor Chris Vincent)**

Vice Mayor Vincent explained that this Item was placed on the Agenda at the request of the Gardens By The Sea condominium. He advised that Staff has discussed this issue with the Broward County Traffic Division, which refused to comment because the stop signs would be located on private property.

Town Engineer Jay Flynn noted that the discussion is summarized in an exhibit attached to the Agenda Item. He had spoken with Broward County, studied State Statute 316.125, and referenced the Manual of Uniform Traffic Control Devices in reaching his conclusion that stops signs were necessary at each of the seven driveways. It was his opinion that, if an accident occurs at one of these locations, the Town Commission would be liable if they were to decide that stop signs are not required.

Mayor Sasser asked if there is a difference between private and public property entering and exiting a roadway with regard to a mandate for stop signs. Mr. Flynn replied that he perceived no difference in this case.

Staff clarified that seal coating and restriping are considered repairs by building officials and therefore the work required a building permit, which triggered the safety and drainage review by the Town Engineer. Commissioner Sokolow noted that it is not typically necessary to bring a property up to Code during repairs unless those repairs equal 25% of the value of what is being repaired.

Mr. Flynn concluded that if the Town Commission chose to approve the project without the stop signs, he would be unable to sign the permit in his capacity as a professional engineer.

Vice Mayor Vincent asked why the County would not comment on this issue because the project is located on private property. Assistant Town Manager Bentley replied that County accepts liability for its engineering services on public roadways, but not for those on private property.

Commissioner Brown observed that while the stop signs might seem unnecessary under the circumstances, they are required by law and will protect the Town from liability. He requested clarification of the residents' objections to the signs, suggesting that the Town may be able to help with landscaping to address the aesthetics.

Commissioner Sokolow stated that he did not feel it was appropriate for the condominium to pay for the stop signs in order to prevent additional liability to the Town. He characterized the issue as a misrepresentation of Code. Mr. Flynn noted that the condominium originally accepted the requirement for stop signs as part of the permit.

Town Manager Hoffmann explained that, while it might not be aesthetically pleasing to have so many stop signs, there were consequences for ignoring traffic engineering standards. She cited an incident in the city of Tamarac, in which the city overruled the advice of the County traffic engineers and received a judgment to pay roughly \$4 million to the injured party when an accident occurred at the site.

Vice Mayor Vincent concluded that he agreed with Mr. Flynn's assessment of the issue as an engineer and licensed builder, and thanked him for his explanation of his position.

Assistant Town Manager Bentley advised that should the Commission choose to approve the project without stop signs, it would be necessary for the Town to seek another engineer to sign off on the project in lieu of Mr. Flynn. It was also clarified that the installation of stop signs did not require the condominium to lose any parking spaces.

At this time Mayor Sasser opened public comment.

Susan Gambon, President of the Gardens By The Sea Condominium Association, stated that the condominium residents hoped the Town Commission would allow them to forgo the installation of stop signs within their parking lots. There are seven small parking lots, 27 ft. in depth, with only six spaces in each. In addition, many residents back out onto SE 15<sup>th</sup> Street, which makes the signs pointless and unsightly.

Ms. Gambon referred to State Statute 316.125, suggesting that stopping and yielding under the Statute differs from the requirement of a full stop, and advised that Statute 316.125.2B.06 should have instead guided the engineering judgment related to the signs, as it takes traffic volume, line of sight, and prior accidents into account. She concluded by asking the Town to postpone a decision on the Item until the Town Engineer can review this alternative.

Camille Montgomery, resident, expressed concern with drivers backing out onto SE 15<sup>th</sup> Street, as well as the lack of stop signs in condominiums located along A1A.

Edmund Malkoon, resident, advised that traffic slows down in the vicinity of the condominium, which keeps speeds low along that portion of the roadway. He added that the proposed stop signs would be located within the Town's right-of-way, and recommended that these swales be beautified or improved when the signs are installed.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

The Commissioners discussed the Item further, clarifying that the primary objection to the stop signs by residents of Gardens By The Sea is aesthetic. Commissioner Dodd pointed out that the condominium could choose to rearrange its parking lots, and emphasized the importance of reducing the Town's liability.

Vice Mayor Vincent asked if Mr. Flynn felt there may be other alternatives to the proposed stop signs. Mr. Flynn replied that there are no alternatives within the current configuration of the parking lot but that the condominium could consult with an engineer to see about reconfiguring the parking lot into a long lot with angled parking.

It was clarified that a vote on the Item was not necessary, and that Town Staff would work with the condominium regarding landscaping and other aesthetic options.

#### **14. COMMISSIONER COMMENTS**

Vice Mayor Vincent reported that he had sat in on a meeting to address the concerns of the Terra Mar community regarding a large building being constructed in Pompano Beach. Residents had expressed concerns with the shadow cast by the building, and the

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builders have agreed to angle the building in a way that does not heavily shadow the properties. There is also discussion of creating new access to the beach. The developers will bring back proposals for the Terra Mar residents.

Vice Mayor Vincent also encouraged all residents to participate in the upcoming local and national elections.

Commissioner Brown stated that there was another successful sea oat planting done by volunteers, and pointed out that they are helping to successfully recreate a natural dune system. Another planting is planned for April 30, 2016, on Earth Day.

Commissioner Brown added that he attended the opening of a greenway in the Flagler Village area of Fort Lauderdale which includes a pedestrian and bicycle path, and has helped to revitalize the surrounding neighborhood. He urged residents to visit the greenway, noting that a greenway is also planned for El Mar Drive.

## **15. ORDINANCES – PUBLIC COMMENTS**

### **a. Ordinances 1<sup>st</sup> Reading**

- i. Ordinance 2016-02 – AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 19-30, “PARKING FOR DISABLED PERSONS,” OF THE TOWN CODE OF ORDINANCES TO REMOVE THE REQUIREMENT THAT DRIVERS WITH DISABLED PARKING PERMITS OR LICENSE PLATES PAY FOR PARKING IN TOWN OFF-STREET PARKING LOTS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE (Bud Bentley, Assistant Town Manager)**

Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

### **b. Ordinances 2<sup>nd</sup> Reading**

None.

## **16. RESOLUTIONS – PUBLIC COMMENTS**

- a. Resolution 2016-07 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2015/2016 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND**

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**EXPENDITURES IN ACCORDANCE WITH THE 2015/2016 FISCAL  
YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE (Tony  
Bryan, Finance Director)**

Mayor Sasser opened public comment, which he closed upon receiving no input.

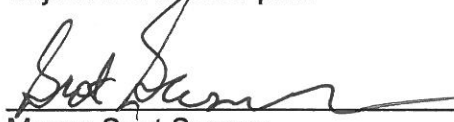
**Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to  
approve. Motion carried 5-0.**

**17. QUASI JUDICIAL PUBLIC HEARINGS**

None.

**18. ADJOURNMENT**

With no further business to come before the Commission at this time, the meeting was  
adjourned at 8:58 p.m.

  
\_\_\_\_\_  
Mayor Scot Sasser

ATTEST:

  
\_\_\_\_\_  
Town Clerk Tedra Smith

3-29-16  
\_\_\_\_\_  
Date